REMARKS

        In response to the Office Action dated March 17, 2010, claims 1 and 16 have been herein amended, and claims 2-15 and 17-18 remain unchanged. No new subject matter has been added. Applicant respectfully requests reconsideration of this application.

Claim Changes

        Claims 1 and 16 are amended to recite "extracting contents of [a] DVD into information files and video object files, wherein the extracting includes demultiplexing the video object files into demultiplexed data files, and reorganizing the demultiplexed data files." These changes are based at least on Table 1 on pages 11 and 12 and the description in paragraphs [0053]-[0057] of the specification as filed. Thus, no new matter is added.

        No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment is made for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment is made to distinguish over a particular reference or combination of references. Any remarks made herein with respect to a given claim or amendment is intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicant's invention.

Rejection of Claims 1-6 and 14-18 under 35 U.S.C. § 103(a) as being unpatentable over US 2005/0076304 (Shing) in view of US 7,139,983 (Kelts), and further in view of US 5,966,120 (Arazi)

        Applicant respectfully traverses in part and amends in part. Applicant has amended independent claims 1 and 16 to clarify the invention. Applicant therefore respectfully requests reconsideration of the rejection of claims 1-6 and 14-18 under 35 U.S.C. § 103(a) as being unpatentable over Shing in view of Kelts, in further view of Arazi.

        Applicant respectfully submits that the combination of Shing, Kelts, and Arazi does not teach or suggest all the claim limitations as set forth in independent claims 1 and 16, as amended. For example, independent claims 1 and 16, as amended recite "extracting contents of [a] DVD into information files and video object files, wherein the extracting includes demultiplexing the video object files into demultiplexed data files, and reorganizing the demultiplexed data files" which are not taught or suggested in the combination of Shing, Kelts, and Arazi.

Shing, in Abstract and paragraph [0029], teaches a method of remote playback of a DVD where DVD control and navigation commands as well as presentation data are transferred between clients and servers. Upon receiving user playback commands, a DVD navigator in a DVD software player (at a server) selects specific presentation data and decrypts the selected presented data. Shing further exemplifies that a DVD navigator may indicate that only MPEG audio and video presentation data should be decoded. A demultiplexer in the DVD software player then decrypts and filters out only MPEG audio and video presentation data from the selected presentation data and sends (outputs) the decrypted and filtered MPEG audio and video presentation data to a user. However, Shing nowhere teaches that the **decrypted and filtered MPEG video presentation data** obtained from the demultiplexer is **reorganized**. In other words, Shing fails to teach or suggest "the extracting includes demultiplexing the video object files into demultiplexed data files, and **reorganizing the demultiplexed data files**" as recited by Applicant's independent claims 1 and 16, as herein amended.

Furthermore, Kelts also fails to remedy the deficiency of Shing as described below. Kelts is directed to a navigation interface display system generating a navigation element that organizes television programming data in an easy-to-use manner. See Kelts, Abstract and column 8, lines 18-20. Further, in column 19, lines 26-28 and lines 35-37, Kelts teaches that the programming data is obtained from "individual application databases 606 [that] preferably contain broadcast and programming information such as cable television listings." As such, Kelts clearly teaches obtaining the programming information from application databases such as a **cable television application database**. However, Kelts nowhere teaches or suggests **extracting** the programming information (including information files and video object files) **from a DVD**. Consequently, Kelts also fails to teach that the **extracting includes** demultiplexing video object files (of the programming information) into data files and **reorganizing the demultiplexed data files** as described by Applicant's independent claims 1 and 16, as herein amended.

Furthermore, Arazi is directed towards providing an efficient constant bit rate conversion of a variable bit rate encoded video program while facilitating distribution of the program. See Arazi, Abstract. However, Arazi fails to remedy the above mentioned deficiencies of Shing and Kelts in that Arazi also fails to teach the above limitation as described by Applicant's independent claims 1 and 16, as herein amended.

Consequently, neither Shing nor Kelts nor Arazi, alone or in combination teach "extracting contents of [a] DVD into information files and video object files, wherein the extracting includes demultiplexing the video object files into demultiplexed data files, and reorganizing the demultiplexed data files" as recited by Applicant's independent claims 1 and 16, as herein amended.

Furthermore, Applicant respectfully submits that Kelts fails to provide a basis for a rejection under 35 U.S.C. § 103, at least because Kelts expressly **teaches away** from "extracting contents of [a] DVD into information files and video object files" as recited by independent claims 1 and 16. "A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant." *In re Kahn*, 441 F.3d 977, 990 (Fed. Cir. 2006) (quoting *In re Gurley*, 27 F.3d 551, 553 (Fed. Cir. 1994)). Kelts teaches away from the use of programming data stored in DVDs, at least because DVDs typically contain read-only data that cannot be updated or maintained by a content provider or service provider. Kelts, in column 19, lines 52-54, teaches that "updating and maintaining the data" results in "a **practical** system" (*id.*); accordingly, a person of ordinary skill reading Kelts would logically conclude that "extracting contents of a DVD" – contents that cannot be updated or maintained – would result in an **impractical** system. Accordingly, a person of ordinary skill, upon reading the Kelts reference, would be led in a direction divergent from the path that was taken by the Applicant.

Consequently, Applicant respectfully submits that Kelts fails to provide a basis for a rejection under 35 U.S.C. § 103, at least because Kelts expressly **teaches away** from "extracting contents of [a] **DVD** into information files and video object files" as recited by independent claims 1 and 16. Because Kelts is an **improper basis** for rejecting Applicant's claims, the combination of Kelts with Arazi or Shing, or with other prior art references, is also an improper basis for rejecting Applicant's claims. Accordingly, Kelts should be disqualified as a reference under 35 U.S.C. § 103(a).

It is respectfully pointed out that, despite the fact that the foregoing discussion concerning Kelts was also included in Applicant's Pre-Brief Conference Request filed on October 14, 2009, the present Office Action fails even to address Applicant's evidence that Kelts teaches away from the invention as claimed.

Additionally, Applicant respectfully disagrees with the statement on page 3 of the Office Action where the Office Action asserts that "[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to convert menu data into an XML format as taught by Kelts into the system of Shing to allow the system to be used over the internet." In column 26, lines 52-67, Kelts teaches converting a generic data **provided by content providers** such as cable television service provider into XML format to obtain navigational elements. However, Kelts nowhere teaches that any of the content providers/service providers/cable television service providers extract such generic data from a DVD. Further, in paragraph [0029], Shing clearly discloses selecting specific presentation data **from a DVD disk**. However, there seems no apparent motivation to a person of ordinary skill in the art to use Shing's presentation data obtained from **a DVD** into Kelts' system that relies on information from **content service providers** such as cable television service providers. In fact, the Applicant contends that without presenting further supporting facts, the Office Action appears to rely solely on impermissible hindsight analysis, i.e., taking the disclosure of the pending application as a blueprint for piecing together the prior art for combining Shing's extraction of presentation information from a DVD with Kelts' converting generic data from a cable service provider into XML.

For at least the above reasons, Applicant submits that claims 1 and 16 are not obvious in view of the combination of Shing, Kelts, and Arazi and therefore that the rejection of claims 1 and 16 under 35 U.S.C. § 103(a) should be withdrawn. Applicant requests that claims 1 and 16 may now be passed to allowance.

Dependent claims 2-6 and 14-15 depend from, and include all the limitations of, independent claim 1. Dependent claims 17-18 dependent from, and include all limitations of, independent claim 16. Therefore, Applicant respectfully requests the reconsideration of dependent claims 2-6, 14-15, and 17-18 and requests withdrawal of the rejection.

Further, regarding claims 5 and 6, Applicant respectfully disagrees with the statement on page 4 of the Office Action which states *"Kelts teaches the claimed further comprising the step of: pruning at least one feature from the project (Col. 21, lines 1-19 with the ability to edit previously stored navigational interface data, wherein editing can remove certain portions of the stored menu (navigational interface data)."* In the cited language, Kelts, at best, teaches editing a navigational display. However, **the navigational display** in Kelts is nowhere taught or

suggested to include any **transcoded video object files and translated information files bundled into a project**, where such information files and video object files are extracted from a DVD. As such, it would be inappropriate to equate such a navigational display of Kelts with Applicant's project which contains bundled translated information files and transcoded video object files, where the the video object files and the information files have been extracted from a DVD. Consequently, Kelts fails to teach editing or modifying (e.g., pruning) features **from a project consisting of bundled transcoded video object files and translated information files**, where the video object files and the information files have been extracted from a DVD, as described by Applicant's claims 5 and 6.

Rejection of Claims 7-8 under 35 U.S.C. § 103(a) as being unpatentable over US 2005/0076304 (Shing) in view of US 7,139,983 (Kelts) in view of US 5,966,120 (Arazi), as applied to claim 1, and further in view of US2002/0047899 (Son)

Regarding claims 7 and 8, Applicant respectfully disagrees with the statement on page 5 of the Office Action which specifically refers to paragraph 34 of Son as describing or being analogous to "editing said project in order to add at least one feature which is to be delivered via the network" as recited by Applicant's claim 7 and "the feature is at least one of navigational optimization, a tie in to an on-demand portal, key-mapping, button highlighting, intra-menu navigation, inter-menu navigation, DVD disc merge" as recited by Applicant's claim 8. In the cited paragraph, Son, at best, teaches that once an applet has been executed, a preprocessing leads to creation of metadata. The metadata, thus created, contains various types of information used by a stream caching server to stream content to a viewer including indexing information which helps in **DVD scene selection** and more particularly in a **random frame access of the content**. Further, in paragraph [0010], Son teaches preprocessing the content into a format supported by a particular type of player and therefore, at best, suggests **changing the format** for the content. However, the random access of content is clearly an access method for the content and does not involve any editing of the content. Moreover, Son nowhere teaches that the indexing which provides the feature of "DVD scene selection" is **added or included into the content as a part of editing** the content that has to be streamed to the viewer, as asserted by the Office Action on page 5. On the contrary, upon executing an applet, the indexing (and therefore the feature of DVD scene selection) is created as a part of metadata creation, and thus no editing

to the content is done as such. Consequently, Son fails to teach **editing** a project in order to **add at least one feature** which is to be delivered via the network as described by Applicant's dependent claims 7 and 8.

Furthermore, Applicant respectfully submits that dependent claims 7-8 depend from, and include all the limitations of independent claim 1, which is deemed to be allowable for at least the reasons provided above. Therefore, Applicant respectfully requests the reconsideration of dependent claims 7-8 and requests withdrawal of the rejection.

Rejection of Claims 9-13 under 35 U.S.C. § 103(a) as being unpatentable over US 2005/0076304 (Shing) in further view of US 7,139,983 (Kelts) in view of US 5,966,120 (Arazi) and further in view of US2002/0047899 (Son) as applied to claims 7-8 and further in view of US 2002/0078456 (Hudson)

Applicant respectfully submits that dependent claims 9-13 depend from, and include all the limitations of independent claim 1, which is deemed to be allowable for at least the reasons provided above. Therefore, Applicant respectfully requests the reconsideration of dependent claims 9-13 and requests withdrawal of the rejection.

Conclusion

In view of the foregoing discussion, it is believed that claims 1-18 are allowable over the cited art. Claims not specifically discussed above are allowable due to their dependence on an allowable base claim. Applicant respectfully submits that all pending claims are in condition for allowance, and earnestly request that all objections and rejections of the claims be withdrawn and a Notice of Allowance be entered at the earliest date possible.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

Respectfully submitted,

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